

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte THOMAS M. BEHR and  
DAVID M. GOLDENBERG

Appeal No. 2004-0972  
Application 09/527,919

**ORDER DISMISSING APPEAL**

MAILED

JUL 29 2004

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Before HARKCOM, Acting Chief Administrative Patent Judge, and  
WILLIAM F. SMITH and GRIMES, Administrative Patent Judges.

Per curiam.

On January 14, 2003, appellants filed a Notice of Appeal. On July 19, 2004, appellants filed a communication withdrawing the appeal, waiving the hearing, and expressly abandoning this application in favor of a continuation application filed July 15, 2004.

Accordingly, it is

ORDERED that the appeal filed January 14, 2003, is dismissed.

Appeal No. 2004-0972  
Application 09/200,791

The application is being returned to the examiner for further action as may be appropriate.

*Gary V. Harkcom*  
Gary V. Harkcom, Acting Chief  
Administrative Patent Judge

*William F. Smith*  
William F. Smith  
Administrative Patent Judge

*Eric Grimes*  
Eric Grimes  
Administrative Patent Judge

BOARD OF PATENT  
APPEAL  
INTERFERENCES

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Minneapolis, MN 55402

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